

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
RICHARD DIAZ,

Petitioner,

-v-

SUPERINTENDENT THOMS,

Respondent.

CIVIL ACTION NO.: 20 Civ. 154 (ER) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Pro se Plaintiff Richard Diaz's petition for a writ of habeas corpus (the "Petition") has been referred to the undersigned for a report and recommendation. (See ECF Nos 1; 9). Having reviewed the parties' submissions, the Court has identified certain deficiencies, and orders as follows:

1. In the Petition, Mr. Diaz indicated that he "forwarded under separate cover copies of the exhibits referred to in" the Petition. (ECF No. 1 at 8). The exhibits, however, do not appear on the docket. Accordingly, Mr. Diaz is directed to re-file the exhibits by

**November 9, 2022.**

2. On November 4, 2020, Respondent, through the Bronx District Attorney's Office (the "DA"), advised the Court that Mr. Diaz had filed a NYCPL § 440 motion (the "Motion") in New York State Supreme Court, Bronx County (the "State Court"), and, on March 26, 2021, filed a copy of the State Court's decision on the Motion. (See ECF Nos. 25;29). Respondent did not, however, file copies of the papers filed in connection with the Motion. Accordingly, by **November 9, 2022**, Respondent shall

file copies of the Motion, the DA's opposition to the Motion, and Mr. Diaz's reply, if any.

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Diaz at the below address.

Dated:           New York, New York  
October 25, 2022

SO ORDERED.

  
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SARAH L. CAVE  
United States Magistrate Judge

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